

## REMARKS/ARGUMENTS

The Applicant appreciates the withdrawal of the double patenting rejection. The Applicant further appreciates the withdrawal of the previous §103 rejections based on Proudnikov and Ekenberg.

Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mirzabekov et al (U.S. Patent 5,981,734 in view of Ekenberg (U.S. Patent 6,218,531). The last Official Action states on page 7 that FIG. 4 of the Mirzabekov patent teaches radical mediated process. The Official action further states on page 7 that Applicants' argument that "production of aldehyde derivatives of nucleic acids via hydrogen radical excision ..." is missing from the claim language.

Applicants have amended the claims to recite a free radical mediated process. Support for this limitation is found on page 12, line 7 and page 13, Equation 1 and line 3. Mirzabekov neither anticipates nor suggests the now-recited free radical limitation.


The claims have been further amended to recite a process whereby the free radicals facilitate oxidative strand scission of nucleic acids to produce aldehyde forms of the ribose and dioxiribose. Neither art of record, taken alone or together, anticipates or suggests this scission process. The addition of this scission limitation is the Applicants' attempt to insert the limitation argued by the Applicant but which the Examiner noted as missing from the claim language. Support for this added recitation is on page 12, lines 28-29, and page 13, lines 21-22.

An earnest attempt has been made hereby to overcome the §103(a) rejections contained in the FINAL January 28, 2004 Official Action. All remaining claims are deemed in condition for allowance. If the Examiner feels that a telephone conference will expedite allowance, she is respectfully urged to contact the undersigned. Claims 1-27 exist in the current application. Allowance of said claims is respectfully solicited.

In re Bavykin, et al (S.N. 09/751,654)  
Response to January 28, 2004 AF Rejection  
Page -10-

Respectfully submitted,

**CHERSKOV & FLAYNIK**

BY 

Michael J. Cherskov (Reg. No. 33,664)